

Senate Engrossed House Bill

**FILED**

**KEN BENNETT  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fiftieth Legislature  
First Regular Session  
2011

CHAPTER 279

# **HOUSE BILL 2193**

AN ACT

AMENDING SECTION 9-511.01, ARIZONA REVISED STATUTES; RELATING TO CITIES AND TOWNS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 9-511.01, Arizona Revised Statutes, is amended to  
3 read:

4 9-511.01. Water and wastewater business; rates; procedures;  
5 responsibility for payments

6 A. A municipality engaging in a domestic water or wastewater business  
7 shall not increase any water or wastewater rate or rate component, fee or  
8 service charge without complying with the following:

9 1. Prepare a written report or supply data supporting the increased  
10 rate or rate component, fee or service charge. A copy of the report shall be  
11 made available to the public by filing a copy in the office of the clerk of  
12 the municipality governing board at least thirty days before the public  
13 hearing described in paragraph 2.

14 2. Adopt a notice of intention by motion at a regular council meeting  
15 to increase water or wastewater rates or rate components, fees or service  
16 charges and set a date for a public hearing on the proposed increase that  
17 shall be held not less than thirty days after adoption of the notice of  
18 intention. A copy of the notice of intention showing the date, time and  
19 place of the hearing shall be published one time in a newspaper of general  
20 circulation within the boundaries of the municipality not less than twenty  
21 days before the public hearing date.

22 B. After holding the public hearing, the governing body may adopt, by  
23 ordinance or resolution, the proposed rate or rate component, fee or service  
24 charge increase or any lesser increase.

25 C. Notwithstanding section 19-142, subsection B, the increased rate or  
26 rate component, fee or service charge shall become effective thirty days  
27 after adoption of the ordinance or resolution.

28 D. Any proposed water or wastewater rate or rate component, fee or  
29 service charge adjustment or increase shall be just and reasonable.

30 E. Rates and charges demanded or received by municipalities for water  
31 and wastewater service shall be just and reasonable. Every unjust or  
32 unreasonable rate or charge demanded or received by a municipality is  
33 prohibited and unlawful.

34 F. For residential property of four or fewer units, a municipality  
35 shall not require payment of unpaid water and wastewater service rates and  
36 charges by anyone other than the person who the municipality has contracted  
37 with to provide the service, WHO PHYSICALLY RESIDES OR RESIDED AT THE  
38 PROPERTY AND WHO RECEIVES OR RECEIVED THE SERVICE. A PROPERTY OWNER, AN  
39 IMMEDIATE FAMILY MEMBER OF THE PERSON WHO DOES NOT RESIDE AT THE PROPERTY OR  
40 ANY OTHER ENTITY, AT ITS SOLE DISCRETION, MAY CONTRACT FOR WATER AND  
41 WASTEWATER SERVICE WITH A MUNICIPALITY AND SHALL PROVIDE PAYMENT.

1        G. For residential property of four or fewer units, a municipality  
2 shall not refuse service within the ~~municipalities~~ MUNICIPALITY'S service  
3 area for the unpaid water and wastewater rates and charges to anyone other  
4 than the person who ~~the municipality has contracted with to provide~~  
5 PHYSICALLY RESIDED AND RECEIVED the service AT THE PROPERTY. A PROPERTY  
6 OWNER, AT THE OWNER'S SOLE DISCRETION, MAY CONTRACT FOR WATER AND WASTEWATER  
7 SERVICE WITH A MUNICIPALITY AND SHALL PROVIDE PAYMENT FOR THAT SERVICE.

APPROVED BY THE GOVERNOR APRIL 27, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 27, 2011.

Passed the House March 1, 2011

Passed the Senate April 12, 20 11

by the following vote: 49 Ayes,

by the following vote: 21 Ayes,

8 Nays, 3 Not Voting

8 Nays, 1 Not Voting

**Speaker of the House**

President of the Senate,

Chief Clerk of the House

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

**This Bill received by the Governor this**

                     day of                     , 20          

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

**Secretary to the Governor**

Approved this \_\_\_\_\_ day of \_\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

## Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

**This Bill received by the Secretary of State**

this            day of           , 20      

at ~~o'clock~~ M.

**Secretary of State**

H.B. 2193

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

April 19, 2011,

by the following vote: 45 Ayes,

15 Nays, 0 Not Voting

[Signature]  
Speaker of the House

Cheryl Laube  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

20 day of April, 2011,

at 8:30 o'clock A. M.

Wade Bondle  
Secretary to the Governor

Approved this 27<sup>th</sup> day of

April, 2011,

at 2:55 o'clock P. M.

Janice K. Brewer  
Governor of Arizona

H.B. 2193

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 27<sup>th</sup> day of April, 2011,

at 3:45 o'clock P. M.

Ken Blumenthal  
Secretary of State